

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Morris Gaye Kayee,

Plaintiff,

Civil No. 12cv01801 JNE/JJK

v.

ORDER

Minnesota, State of,

Defendant.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Arthur J. Boylan dated September 25, 2012. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records and proceedings herein, the Court now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Petitioner's application for a writ of habeas corpus, (Docket No. 1), is **DENIED**;
2. Petitioner's application for leave to proceed in forma pauperis, (Docket No. 2), is **DENIED**;
3. This action is **DISMISSED WITH PREJUDICE**; and

4. Petitioner is **NOT** granted a Certificate of Appealability.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: October 24, 2012

s/Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge